

REMARKS

Claims 1-8, 10, 11, and 13-42 are pending in the present application. Claims 2 (duplicate), 9 and 12 have been canceled. Claims 1-4, 6, 8, 10 and 11 have been amended to better describe the present invention. Claims 13-42 have been added.

1. The Examiner provisionally rejected claims 1-12 under the judicially created doctrine of obviousness-type patenting as being unpatentable over claims 1-9 of copending Application No. 10/762,410 in view of U.S. Patent No. 6,354,147 (Gysling et al.).

The Examiner contends that the conflicting claims are not patentably distinct from each other because the claims of 10/762,410 disclose all of the elements of the cited claims of the instant application except for the use of a second meter portion comprising two pressure sensors. The Examiner looks to Gysling for its teaching of the use of a second meter portion comprising two pressure sensors, and contends that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the claimed '410 system and method to include a second meter portion as taught by Gysling.

Independent claim 1 cites a first meter portion that measures a parameter of the process flow and a second meter portion that measures the speed of sound propagating through the process flow. A processor provides a compensated measurement signal indicative of the measurement signal of the first meter portion compensated for entrained gas in the process flow. While the claims of 10/762,410 claim an apparatus for measuring the gas volume fraction process flow flowing within a pipe, 10/762,410 does not teach or suggest using this measurement to compensate the measurement signal of another meter portion to determine the measurement signal compensated for entrained gas, as presently claimed.

Similarly, while Gysling shows an apparatus for determining a parameter (such as composition of the fluid) of a fluid flowing within a pipe using acoustic pressures, there is no teaching or suggestion of using this measurement to compensate the measurement signal of a another meter portion to determine the measurement signal compensated for entrained gas; or compensating the output of the apparatus of Gysling for entrained gas, as presently claimed.

Therefore, it would not have been obvious to combine the teaching of 10/762,410 and Gysling. Even if combined, the Applicants' claimed invention would not result because neither reference teaches or suggests a means to compensate a meter measurement for entrained gas.

Applicants respectfully traverse Examiner's rejection for at least the reasons provided above. Therefore, Applicants respectfully submit that claim 1 is not obvious by 10/762,410 and Gysling, and it is respectfully requested that this claim be reconsidered and allowed.

2. Claims 2-8, 10 and 11 variously depend on independent claim 1, and therefore are not rendered obvious by the claims of 10/762,410 in view of Gysling for at least the reasons provided herein, and it is respectfully requested that these claims be allowed.

3. Newly added claims 13-21 variously depend on independent claim 1, and therefore are not rendered obvious for at least the reasons provided hereinbefore, and it is respectfully requested that these claims be allowed.

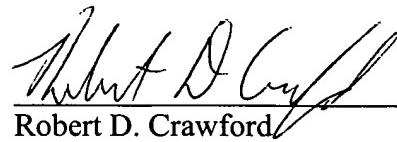
4. Newly added method claim 22 mirrors independent claim 1, and therefore is not rendered obvious for at least the reasons provided hereinbefore, and it is respectfully requested that this claim be allowed.

5. Newly added method claim 23-42 variously depend on independent claim 22, and therefore are not rendered obvious for at least the reasons provided hereinbefore, and it is respectfully requested that these claims be allowed.

6. In view of the foregoing, it is respectfully requested that the application be reconsidered and allowed. If the Examiner is not prepared to allow all the claims in view of the discussion herein, Applicants hereby respectfully request a phone interview with the Examiner at the Examiner's earliest convenient. Applicants' counsel can be reached at 203-626-3502 (direct dial) between the hours of 8:00 a.m. and 5:00 p.m., or by E-mail at rcrawford@cidra.com.

7. A petition for a two-month extension of time under 37 CFR 1.136 is submitted herewith. Please charge the fee of **\$1020.00** for the three (3) month extension of time and **\$1000.00** for the extra 20 claims to Deposit Account No. 50-0260 Order No. CC-0714. Any deficiency or overpayment should be charged or credited to this deposit account.

Respectfully submitted,
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